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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,680	02/25/2002	Donald Verna	PMP-204-A	3041

7590 08/31/2005  
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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/082,680

Applicant(s)

VERNA, DONALD

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-10, 12-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8-10, 12-19, 28, 36 and 37 is/are allowed.
- 6) ☐ Claim(s) 20-23, 25-27, 29-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**Status of Application**

1. Applicant's amendment filed June 21, 2005 has been entered in the application. Claims 1-4, 8-10, 12-23 and 25-37 are currently pending.

**Claim Rejections - 35 USC § 102**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 20, 22, 27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Balolia (US 6,095,533, cited previously). Balolia teaches a dolly having plural elongate structural members (44, 46) and plural blocks (e.g., 38, 40) at each dolly corner, at least two blocks of which are provided with caster wheels (24), each block element having first and second structural member receiving openings (phantom, figure 4, also figure 5), which openings intersect (note col. 4, lines 50-59), each opening having at least one stop member (50a, 50b, 50c, 50d, etc.) having an end which is disposed within the respective passage it is associated with, each block including a recessed portion having an upper face (70, 72, 74, 76) wherein a wall is formed around the upper face (by upstanding sides of 52, 54, etc.), which define corners of the dolly.

**Claim Rejections - 35 USC § 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balolia. The reference to Balolia is discussed above and fails to teach all wheel elements as being caster wheels. The duplication of an element for the purpose of enhancing the effect for which the element is taught is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide all wheel elements taught by Balolia as casters (e.g., element 24) for the purpose of facilitating better maneuverability in confined spaces.
6. Claims 21, 25, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balolia in view of Lutz (DE 38 15 990, cited previously). The reference to Balolia is discussed above and fails to teach the upper face as having a

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raised wall which traverses a center section and defines regions for stackable members, and further fails to teach a groove and ramp arrangement in the upper surface. Lutz teaches a dolly arrangement including a plurality of corner block elements which accommodate elongated connector elements, and wherein the top surface may be provided with a pair of walls (8) which extend along the edges of the member, traversing the width continuously to and from respective ends, and thus including a center portion of each wall which traverses a center section of at least one lateral and longitudinal side of each block to the breadth claimed, wherein respective stacking members may be positioned proximate each orthogonal section of the upstanding wall portion, defining at least two stacking regions; the upper surface also being optionally provided with a rectangular groove (10) having ramped portions and a lowermost portion (at the center thereof). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a walled and/or ramped top section as taught by Lutz on the corner block elements of the dolly taught by Balolia for the purpose of allowing the dolly to be used for different functions, such as accommodating different equipment.

#### **Allowable Subject Matter**

7. Claims 1-4, 8-10, 12-19, 28, 36 and 37 are allowed.

#### **Response to Comments**

8. Applicant's comments, filed with the amendment, have been carefully considered. As regards applicant's comments concerning the application of the base reference of Lutz, and the amendments to claim, 1, the examiner agrees that the previously applied combination does not teach each and every limitation as now set forth in claim 1. As regards applicant's amendment to claims 20 and 29, note the reference to Balolia, cited previously, and now applied in response to applicant's amendment of the claims

#### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

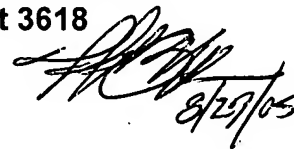
A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



8/29/05